

REMARKS

I. Summary of the Examiner's Rejections and Objections.

Claims 1-3, 9, 10 and 26 were withdrawn from consideration.

The Examiner has rejected Claim 4 based on the Zecchini patent No. 2,961,677. The Examiner contends that the claim is met in all particulars by this reference and, accordingly has rejected it under 35 USC 102.

Claim 5 was objected to as being dependent upon a rejected base claim.

II. Applicant's Response to the Examiner's Rejections and Objections.

Applicant strongly traverses the rejection of Claim 4 for reasons which will now be set forth.

Claim 4, as amended, no longer contains the "adapted to be" language to which the Examiner has objected. Although the applicant does not agree with the position of the Examiner, he has added the words "constructed and arranged" to be rotated in use to apply a band of paint, etc.

Furthermore, this claim has been amended to recite, referring to line 5, following the word "center" has inserted "opening receivable in use and separated by a working clearance from". He has thus removed the language portion adapted to be received "over". Accordingly, the language now recites that the center opening is receivable in use and separated by a working clearance from a spindle, said spindle thus being defined as well as the portion of the pad which receives the spindle. There is no counterpart in Zecchini. In

fact, Zecchini shows a large, hand held blade or the like, which would not be suitable for any rotary application.

Still further, and referring now to another very important point, in the third last line of the claim, the applicant has eliminated the language "tapering toward and" and in place thereof has inserted "and said backing portion being co-extensive, said body portion". Thus, the claim recites that the body portion and the backing portion are co-extensive, thereby defining the trim edge portion of the applicator. In Zecchini, it is clear that the backing portion overlaps the body and sticks out a considerable distance, at least a half an inch, and perhaps an inch or more. Thus, it is not possible to have the type of trim edge recited in the claim. If one were to attempt this, the outer edge of the pad in Zecchini would contact the surface to be painted, but there would be a considerable and irregular gap between the flange or the like, which is an extension of the casing 3. Furthermore, the specification of Zecchini recites that the casing has a peripheral edge welded on the edge of the cellular pad. This is a very important feature of the present invention, which has the backing portion and the body portion substantially co-extensive.

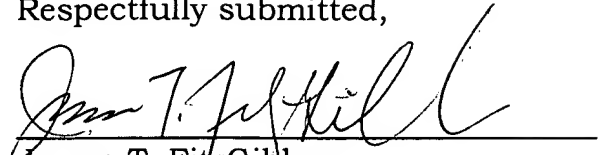
Claim 5 has now been placed in independent form, including all of the limitations of Claim 4. This claim should now be allowable.

Claims 6 and 7 should also be allowable since they were not objected to in the first place.

CONCLUSION

If the Examiner has any questions or comments he may talk to the undersigned at the below indicated telephone number.

Respectfully submitted,



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